

Jeffrey N. Pomerantz, Esq. (pro hac vice)
Andrew W. Caine, Esq. (pro hac vice)
Beth Levine, Esq. (pro hac vice)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
David N. Tabakin, Esq. (VA Bar No. 82709)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178

*Counsel for the Circuit City Stores, Inc.
Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

**ORDER GRANTING LIQUIDATING TRUST'S FIRST AND FIFTEENTH
OMNIBUS OBJECTION TO CLAIM NUMBER 14363
(Claimant – Capmark Finance, Inc.)**

THIS MATTER having come before the Court¹ on the Liquidating Trust's First Omnibus Objection to Landlord Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Invalid Claims, Disallowance of Certain of Late Filed Claims, Disallowance of Certain Amended Claims and Disallowance of Certain Invalid Claims) and Fifteenth Omnibus Objection to Landlord Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Invalid Claims, Disallowance of Certain of Late Filed Claims, Disallowance of Certain Duplicate Claims, and Disallowance of Certain Amended Claims) (together, the "Objections") and Notice of Substantive Hearing ("Notice of Substantive Hearing") that requested, among other things, that

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objections.

Claim Number 14363 be reduced and allowed as an administrative claim, with all other amounts disallowed; and it appearing that due and proper notice and service of the Objections and Notice of Substantive Hearing and of the hearing (the "Hearing") as set forth therein was good and sufficient, and that no other further notice or service of the Objections or the Hearing need have been given; that, based on the statements of counsel for the Trust at the Hearing that the Trust and Claimant have reached agreement as to the allowed amount of the challenged claim; and it appearing that the relief requested in the Objections and at the Hearing is in the best interest of the Liquidating Trust, the Debtors' estates, creditors, and other parties-in-interest; and after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Objection is GRANTED as provided herein.
2. Claim Number 14363 is hereby reduced and allowed as an administrative claim in the amount of \$759,100.58.
3. All other amounts sought by Claim Number 14363 are hereby disallowed for all purposes in these cases.
4. The Liquidating Trust shall serve a copy of this Order on the Claimant as served by the Notice of Substantive Hearing.
5. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to this Order.

Dated: Jul 25 2017
Richmond, Virginia

/s/ Kevin R Huennekens
HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket:7/25/17

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
David N. Tabakin, Esq. (VA Bar No. 82709)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: 804-783-8300
Facsimile: 804-783-0178
Email: ltavenner@tb-lawfirm.com
pberan@tb-lawfirm.com
dtabakin@tb-lawfirm.com

-and-

Jeffrey N. Pomerantz, Esq. (admitted pro hac vice)
Andrew W. Caine, Esq. (admitted pro hac vice)
Beth Levine, Esq (admitted pro hac vice)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd.
11th Floor
Los Angeles, California 90067-4100
Telephone: 805-123-4567
Facsimile: 310/201-0760
E-mail: jpomerantz@pszjlaw.com
acaine@pszjlaw.com
blevine@pszjlaw.com

Counsel for the Circuit City Stores, Inc. Liquidating Trust

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Lynn L. Tavenner

Lynn L. Tavenner

Service of Entered Order:

Lynn L. Tavenner, Esq.
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
Beth Levine, Esq
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd.
11th Floor
Los Angeles, CA 90067-4100